

Surface Mining Reclamation and Enforcement, Interior

§ 773.3

demonstrate that the amount of coal to be removed is not the total reserve, but is a sampling of a larger reserve.

(4) An explanation as to why other means of exploration, such as core drilling, are not adequate to determine the quality of the coal and/or the feasibility of developing a surface coal mining operation.

[53 FR 52949, Dec. 29, 1988]

§ 772.15 Public availability of information.

(a) Except as provided in paragraph (b) of this section, all information submitted to the regulatory authority under this part shall be made available for public inspection and copying at the local offices of the regulatory authority closest to the exploration area.

(b) The regulatory authority shall keep information confidential if the person submitting it requests in writing, at the time of submission, that it be kept confidential and the information concerns trade secrets or is privileged commercial or financial information relating to the competitive rights of the persons intending to conduct coal exploration.

(c) Information requested to be held as confidential under paragraph (b) of this section shall not be made publicly available until after notice and opportunity to be heard is afforded persons both seeking and opposing disclosure of the information.

PART 773—REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Sec.

773.1 Scope and purpose.

773.3 Information collection.

773.4 Requirements to obtain permits.

773.5 Regulatory coordination with requirements under other laws.

773.6 Public participation in permit processing.

773.7 Review of permit applications.

773.8 General provisions for review of permit application information and entry of information into AVS.

773.9 Review of applicant and operator information.

773.10 Review of permit history.

773.11 Review of compliance history.

773.12 Permit eligibility determination.

773.13 Unanticipated events or conditions at remaining sites.

773.14 Eligibility for provisionally issued permits.

773.15 Written findings for permit application approval.

773.16 Performance bond submittal.

773.17 Permit conditions.

773.19 Permit issuance and right of renewal.

773.21 Initial review and finding requirements for improvidently issued permits.

773.22 Notice requirements for improvidently issued permits.

773.23 Suspension or rescission requirements for improvidently issued permits.

773.25 Who may challenge ownership or control listings and findings.

773.26 How to challenge an ownership or control listing or finding.

773.27 Burden of proof for ownership or control challenges.

773.28 Written agency decision on challenges to ownership or control listings or findings.

AUTHORITY: 30 U.S.C. 1201 *et seq.*, 16 U.S.C. 470 *et seq.*, 16 U.S.C. 661 *et seq.*, 16 U.S.C. 703 *et seq.*, 16 U.S.C. 668a *et seq.*, 16 U.S.C. 469 *et seq.*, and 16 U.S.C. 1531 *et seq.*

SOURCE: 48 FR 44391, Sept. 28, 1983, unless otherwise noted.

§ 773.1 Scope and purpose.

This part provides minimum requirements for permits and permit processing and covers obtaining and reviewing permits; coordinating with other laws; public participation; permit decision and notification; permit conditions; and permit term and right of renewal.

§ 773.3 Information collection.

The collections of information contained in part 773 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029-0115. The information collected will be used by the regulatory authority in processing surface coal mining permit applications. Persons intending to conduct surface coal mining operations must respond to obtain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Response is required to obtain a benefit in accordance with SMCRA. Send comments regarding burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, to the